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ORDER E-FILED ON 9/21/06

Attorneys for Defendant
AMERICAN HOME ASSURANCE COMPANY

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

MONTEREY MUSHROOMS, INC., a
California corporation,
Plaintiff,
v.
AMERICAN HOME ASSURANCE
COMPANY and DOES 1 through 20,
Defendants.

) CASE NO. C 06-00400 HRL
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) **JOINT STIPULATION TO CONTINUE
TRIAL DATE AND ALL DISCOVERY
DEADLINES; [REDACTED] ORDER**

) Hon. Howard R. Lloyd
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) Dept. 2
)

) ACTION FILED: 1/20/06
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Plaintiff MONTEREY MUSHROOMS, INC. and Defendant AMERICAN HOME ASSURANCE COMPANY, by and through their undersigned counsel, hereby jointly stipulate to continue the trial of this matter which is presently set for March 5, 2007, and all discovery deadlines, by ninety (90) days.

Pursuant to entry of this Court's Order dated May 30, 2006, the Court scheduled the following discovery deadlines and trial:

- Fact Discovery Cutoff October 10, 2006
 - Designation of Experts with Reports October 27, 2006
 - Designation of Rebuttal Experts with Reports November 15, 2006

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|---|---|-------------------|
| • | Expert Discovery Cutoff | November 30, 2006 |
| • | Last Day for Hearing on Dispositive Motions | January 9, 2006 |
| • | Final Pretrial Conference | February 27, 2007 |
| • | Jury Trial | March 5, 2007. |

(See Court's Order dated May 30, 2006, attached hereto as Exhibit "A.")

Pursuant to the Court's Order, the parties were further ordered to complete mediation by August 28, 2006.¹⁴ The parties thereafter scheduled a mediation for August 29, 2006, and agreed to an informal discovery stay pending completion of the mediation. On August 29, 2006, the parties attended the court ordered mediation before the Hon. Harry Low, but the matter was not resolved.

However, in a good faith effort to resolve this lawsuit, the parties agreed to further evaluate several issues and participate in a second mediation session before Judge Low on **October 3, 2006**, subject again to a stay of discovery. However, the parties are concerned that they will not be able to meet these discovery deadlines and adequately prepare for trial if this matter is not resolved on October 3, 2006.

Therefore, good cause exists for this Court to continue the trial and the attendant discovery deadlines by ninety days. Even though the parties are optimistic that this matter will settle at the mediation, in the event this matter is not resolved, the parties will be substantially prejudiced if the current discovery deadlines are enforced and the trial date is not continued.

Therefore, in stipulating and agreeing to request this continuance, the parties agree and stipulate to the following limitations, subject to the Court's approval:

1. If this matter does not resolve on October 3, 2006, the parties will engage in conducting discovery.

2. The parties agree to continue trial of this matter to June 4, 2007, or a date that is convenient to the Court.

^{1/} Pursuant to a Stipulation entered by this Court, the mediation deadline was extended to August 29, 2006.

1 3. The parties agree that all of the discovery deadlines associated with the March 5,
2 2007, trial date should be vacated and re-calendared to conform with the new trial date.

Respectfully submitted,

~~WILLOUGHBY, STUART & BENING, INC.~~

By *John H. Stetson*

BRADLEY A. BENING

✓ Attorneys for Plaintiff

~~MONTEREY MUSHROOMS, INC.~~

4 DATED: September 17, 2006

~~LEWIS BRISBOIS BISGAARD & SMITH LLP~~

By

JULIAN J. PARDINI

Atorneys for Defendant,

AMERICAN HOME ASSURANCE COMPANY

ORDER

Upon reviewing the above stipulated request of the parties for an order continuing the trial date and vacating the current the discovery deadlines,

IT IS HEREBY ORDERED that:

- 17 1. The trial of this matter currently scheduled for March 5, 2007 is vacated.

18 2. All discovery deadlines as set forth in this Court's Order dated May 30, 2006 are

19 similarly vacated.

20 3. The trial of this matter is now scheduled for June 11, 2007.

21 4. The Fact Discovery Cutoff is now extended to January 19, 2007.

22 5. Designation of Experts with Reports will be due on or before February 2,

23 2007.

24 6. Designation of Rebuttal Experts with Reports will be due on or before

25 February 16, 2007.

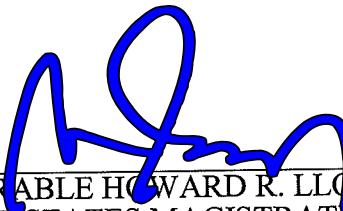
26 7. Expert Discovery Cutoff is now extended to March 16, 2007.

27 8. The Last Day for Hearing on Dispositive Motions is April 24, 2007.

4840-2714-6753.1

1 9. The Final Pretrial Conference is June 5, 2007. 1:30 PM.
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4 DATED: September 21, 2006
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11 HONORABLE HOWARD R. LLOYD
12 UNITED STATES MAGISTRATE JUDGE
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